

CHAPTER NO. 900

SENATE BILL NO. 3048

By Cohen

Substituted for: House Bill No. 3045

By Sands, Haley, Pleasant, Hargett

AN ACT To amend Tennessee Code Annotated, Title 55, Chapter 50, relative to driver licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-50-502(c), is amended by adding the following new subdivision (4):

(4) Where a nonresident whose license has been suspended or revoked by any other state subsequently becomes a bona fide resident of this state, and where the person has been granted a restricted license by the other state if such triggering offense would under the laws of Tennessee provide for the issuance of a restricted driver license upon petition to a judge of the court of general sessions, or its equivalent, for the county wherein the person resides, the judge may, in the judge's discretion, order the issuance of a restricted motor vehicle operator's license allowing the person to operate a motor vehicle for the purpose of going to and from and working at such person's regular place of employment during the mandatory revocation/suspension period. Such orders shall state with all practicable specificity the necessary times and places of permissible operation of a motor vehicle. The person may obtain a certified copy of the order and within thirty (30) days after it is issued present it, along with an application fee of sixty-five dollars (\$65.00), to the department, which shall forthwith issue a restricted license embodying the limitations imposed in the order. After proper application and until such time as the restricted license is issued, a certified copy of the order may serve in lieu of a motor vehicle operator's license. Any restricted license issued under the provisions of this subdivision shall be subject to renewal in the same manner as the motor vehicle operator's licenses.

SECTION 2. Tennessee Code Annotated, Section 55-50-512, is amended by deleting such section in its entirety and by substituting instead the following:

Section 55-50-512. (a) Any person who has received a notice of revocation may make a written request for a review of the department's determination by the department at a hearing. The request shall be made on a form available from the department. If the person's driver license has not been previously surrendered, it must be surrendered at the time the request for a hearing is made. A request for a hearing does not stay the license revocation.

(b) The hearing shall be scheduled to be held as quickly as practicable within not more than twenty (20) days of the filing of the request for a hearing. The hearing shall be held at a place designated by the department, unless the parties agree to a different location. The department shall provide a written notice of the time and place of the hearing to the party requesting the hearing at least ten (10) days prior to the scheduled hearing, unless the parties agree to waive this requirement.

(c) The presiding hearing officer shall be the commissioner or an authorized representative designated by the commissioner. The presiding hearing officer shall have the authority to:

- (1) Administer oaths and affirmations;
- (2) Examine witnesses and take testimony;
- (3) Receive relevant evidence;
- (4) Issue subpoenas, take depositions, or cause depositions to interrogatories to be taken;
- (5) Regulate the course and conduct of the hearing; and
- (6) Make a final ruling on the issue.

(d) The sole issue at the hearing shall be whether by a preponderance of the evidence the person has withdrawn from school or has failed to maintain satisfactory academic progress. If the presiding hearing officer finds the affirmative of this issue, the revocation order shall be sustained. If the presiding hearing officer finds the negative of this issue, the revocation order shall be rescinded.

(e) The hearing shall be recorded. The decision of the presiding hearing officer shall be rendered in writing, and a copy will be provided to the person who requested the hearing.


(f) If the person who requested the hearing fails to appear without just cause, the right to a hearing shall be waived, and the department's earlier determination shall be final.

(g) Witnesses under subpoena shall be entitled to the same fees as are now or may hereafter be provided for witnesses in civil actions in the circuit court and, unless otherwise provided by law or by action of the agency, the party requesting the subpoenas shall bear the cost of paying fees to the witnesses subpoenaed.

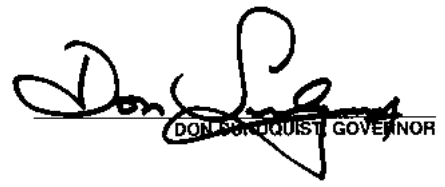
SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 22, 1998


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 7th day of May 1998


DON SUNDQUIST, GOVERNOR